

SENATE No. 792

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to costs of appeals by the Commonwealth.

PETITION OF:

NAME:

*Cynthia Stone Creem
District Attorney Marian T. Ryan*

DISTRICT/ADDRESS:

*First Middlesex and Norfolk
15 Commonwealth Avenue Woburn, MA
01801*

SENATE No. 792

By Ms. Creem, a petition (accompanied by bill, Senate, No. 792) of Cynthia S. Creem and District Attorney Marian T. Ryan for legislation relative to costs of appeals by the Commonwealth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 763 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relating to costs of appeals by the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 28E of Chapter 278 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by adding, after the third paragraph thereof, the following
3 paragraph:

4 A defendant who is not indigent, as defined by Chapter 211D of the General Laws, and is
5 therefore not entitled to public representation, is responsible for the defendant’s own costs on
6 appeal, unless the Commonwealth loses the appeal or the Commonwealth’s application thereof is
7 denied. In such cases, a defendant is entitled to be reimbursed for the costs the defendant
8 incurred as a result of the appeal, including reasonable attorney’s fees, subject to approval of the
9 court.